

IN THE U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

M.R. and B.R., Parents and
Next Friends of T.R., a Minor

Plaintiffs,

v.

NORTH EAST INDEPENDENT
SCHOOL DISTRICT and
LEOPOLDO ESTRADA,
Defendants.

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CA No. 5:21-cv-131

Jury Demanded

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants hereby remove to this Court the state court action described below.

1. On or about February 3, 2021, an action was commenced by Plaintiffs in the 150th Judicial District Court of Bexar County, Texas, entitled *T.R. b/n/f Marci and Baldemar R., Marci Ramirez, Individually and on behalf of T.R. and Baldemar Ramirez, Individually and on behalf of T.R., v. North East Independent School District and Leopoldo Estrada*, cause number 2021CI02231.

2. Defendants received a copy of Plaintiffs' Original Petition and Jury Demand and agreed to accept service of process on February 4, 2021. Pursuant to 28 U.S.C. § 1446(b), this Notice has been timely filed. A copy of the Original Petition received by Defendants and the Clerk's docket sheet for the district court action are filed herewith and referred to collectively as **Exhibit A**.

3. Venue is proper in this district under 28 U.S.C. §1441(a) because the court where the suit filed by Plaintiffs has been pending is located in this district.

4. Removal of this action is proper under 28 U.S.C. § 1441, because Plaintiff appeals the decision of a special education due process hearing under the Individuals with Disabilities Act under 34 C.F.R. § 300.514 and raises additional claims under 42 U.S.C. § 1983 and Section 504 of the Rehabilitation Act.

5. All Defendants consent to the removal of this action.

WHEREFORE, Defendants in this action, remove this action for trial from the District Court of Bexar County, Texas to this Court, on this 10 day of February 2021.

Respectfully submitted,

**SCHULMAN, LOPEZ,
HOFFER & ADELSTEIN, LLP**



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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. The foregoing was served to Petitioner's counsel via email as follows:

JEREMY GILBREATH, The Gilbreath Law Firm, PLLC, 14855 Blanco Road, Suite 307, San Antonio, Texas 78216; email: jeremy@gilbreathfirm.com

A handwritten signature in blue ink, appearing to read 'Jeremy Gilbreath', is written over a horizontal line.

Attorney for Defendants